

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Respondent/Plaintiff,

v.

GENARO ORDONEZ-ESTRADA,

Petitioner/Defendant.

Case No. 3:14-cr-00083-LRH-WGC

ORDER ON MOTION FOR  
SENTENCE REDUCTION UNDER  
18 U.S.C. §3582(c)(1)(A)  
(Compassionate Release)

Before the court is the defendant's motions for compassionate release under the First Step Act (ECF Nos. 111 and 116). The government has filed its response in which it has not opposed defendant's motions and takes no position regarding defendant's release, recognizing serious medical conditions concerning the defendant. ECF No. 117. Defendant has filed his reply (ECF No. 119) confirming a home environment available to the defendant in the event that relief is granted. The motions are being granted subject to the court's fourteen-day stay set forth below.

Appearing before the court is a defendant who plead guilty to two felonies related to conspiracy to possess and distribution of methamphetamine and was sentenced to the mandatory minimum prison sentence of one hundred and twenty months.

It appears that Ordonez-Estrada has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of thirty days from the receipt of such a request by the warden of the defendant's facility.

1 Defendant had no prior felonies at the time of his guilty plea to these offenses  
2 and the Probation Officer noted that "it appears that Ordonez-Estrada became involved  
3 in the instant offense in order to make money to feed his own substance abuse  
4 addictions. It is evident from his prior criminal convictions, as well as his admission, that  
5 he has an addiction to marijuana, and has also abused methamphetamine in the past."  
6 And, "Ordonez-Estrada appears to be a devoted and loving father to his daughter and  
7 has done whatever he can to ensure that she is well taken care of during his absence.  
8 He has signed over his rights to his sister in order for his sister to have guardianship of  
9 his daughter. Furthermore, he stepped up as a father after the mother of his daughter  
10 abandoned their family."

11 Ordonez-Estrada has earned the lowest custody classification (Out Custody) at  
12 the minimum-security federal prison camp in Yazoo City, Mississippi. In addition to  
13 model behavior, he has completed numerous personal improvement classes preparing  
14 him for re-entry into society. He has received positive reviews from prison  
15 administrators and has had no infractions of any kind while serving his sentence. Prior  
16 to the COVID-19 outbreak, he was scheduled to be sent to the federal prison in  
17 Sheridan, Oregon, for its Residential Drug Abuse Program ("RDAP"). This could have  
18 resulted in a 12-month reduction to his sentence, but due to new restrictions impacting  
19 prison transfers due to COVID-19, he lost this opportunity which could have resulted in  
20 prison release as early as June 23, 2021.

21 Ordonez-Estrada has demonstrated an extraordinary and compelling reason  
22 warranting relief as a result of a serious medical condition. This 34-year-old defendant  
23 has a listed serious heart condition, early pulmonary artery hypertension, recognized by  
24 the Center of Disease Control ("CDC"). This is a very serious heart condition under the  
25 CDC's list of conditions and represents significant risk factors if defendant was to  
26 contract the COVID-19 illness. COVID-19 occurrences have been particularly severe at  
27 the Yazoo prison.

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1 Before the court is a defendant who has served approximately six years of his  
2 ten-year mandatory minimum sentence. Had the mandatory minimum sentence not  
3 been required, defendant's current sentence with RDAP credits would have been close  
4 to falling within the sentencing guideline range which otherwise would have been  
5 applicable if the 10 years mandatory minimum was not required.

6 GOOD CAUSE APPEARING, defendant Genaro Ordonez-Estrada's motion for  
7 compassionate release under the First Step Act (ECF Nos. 111/116) is GRANTED. The  
8 court hereby reduces defendant's term of imprisonment in this case from 120 months to  
9 time served.

10 This order is STAYED for up to fourteen days to make appropriate travel  
11 arrangements and to ensure defendant's safe release. The defendant shall be released  
12 as soon as appropriate travel arrangements are made and it is safe for the defendant to  
13 travel. There shall be no delay in ensuring that travel arrangements are made. If more  
14 than fourteen days are needed to make appropriate travel arrangements and ensure the  
15 defendant's safe release, then the parties shall immediately notify the court and show  
16 cause why the stay should be extended.

17 The defendant must immediately provide the complete address of his parents  
18 where he will be residing upon release to the Probation Office in the district where he  
19 will be living.

20 The defendant's previously imposed conditions of supervised release are  
21 unchanged.

22 IT IS SO ORDERED.

23 DATED this 26th day of October, 2020.

24   
25 LARRY R. HICKS  
26 UNITED STATES DISTRICT JUDGE  
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